

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

RECEIVED

OCT 12 2004

Federal Communications Commission
Office of Secretary

In the Matter of)	
)	
Unbundled Access to Network Elements)	WC Docket No. 04-313
)	
Review of the Section 251 Unbundling Obligations)	CC Docket No. 01-338
Of Incumbent Local Exchange Carriers)	


**ERRATA OF THE PACE COALITION, BROADVIEW NETWORKS,
 GRANDE COMMUNICATIONS, AND TALK AMERICA INC.**

On October 4, 2004, the Promoting Active Competition Everywhere ("PACE") Coalition, Broadview Networks, Grande Communications, and Talk America Inc. (collectively, the "Joint Commenters"), through their undersigned counsel, filed comments in response to the Notice of Proposed Rulemaking in the above-captioned proceeding. Subsequent to filing their comments, the Joint Commenters discovered one typographical error. With this errata, the Joint Commenters correct the following typographical error:

Page 9, line 5, change "two" to "twelve". The corrected sentence should read: "Furthermore, the Joint Commenters estimate that if the Commission further collapses the mass market to exclude lines at customer locations with more than twelve lines, approximately half of the business lines will not be able to be served by unbundling local switching."

A copy of the corrected page is appended hereto. Due to the length of the pleading, the Joint Commenters will not be submitting the pleading in its entirety.

Respectfully submitted,


Genevieve Morelli
Jennifer Kashatus
Erin Emmott
Kelley Drye & Warren LLP
1200 19th Street, NW, Suite 500
Washington, D.C. 20036
(202) 955-9600 (telephone)
(202) 955-9792 (facsimile)

*Counsel for the PACE Coalition,
Broadview Networks, Grande Communications,
and Talk America Inc.*

October 12, 2004

variation.”¹⁹ By limiting the unbundling requirement for local switching to the analog POTS market, the Commission has excluded nearly 70% of the line capacity (served at DS1 and above) from local switching unbundling.²⁰ Furthermore, the Joint Commenters estimate that if the Commission further collapses the mass market to exclude lines at customer locations with more than twelve lines, approximately half of the business lines will not be able to be served by unbundling local switching.²¹

Not only did Congress specifically envision that competition for the POTS market would result from the Act, but also it fully expected that unbundled local switching would play an important role in bringing about competition. Congress specifically listed local switching in section 271’s competitive checklist and *twice* referenced it in the Joint Explanatory Statement that accompanied the 1996 Act:

The term “network element” was included to describe the facilities, such as local loops, equipment, *such as switching*, and the features, functions, and capabilities that a local exchange carrier must provide for certain purposes under other sections of the conference agreement.

¹⁹ USTA II, 359 F.3d at 563.

²⁰ The Joint Commenters recognize that some portion of the existing digital capacity is today used exclusively for data services. As the Commission is aware, however, customers served by high-speed data connections are able to use such connections for voice services. As explained below in more detail, this expansion of options for customers that have migrated out of the POTS market does not fundamentally change the nature of the POTS market itself – customers that are not part of the advanced services market (*i.e.*, customers that are not served by high-speed data connections) form a separate and distinct market for whom the existence of competition in the high-speed marketplace is immaterial.

²¹ See *infra* Section III.E.

CERTIFICATE OF SERVICE

I, Tara Keilberg, hereby certify that on this 12th day of October 2004, I served a true and correct copy of the foregoing **Reply Comments of The PACE Coalition, Broadview Networks, Grande Communications and Talk America**, on the following by the means indicated:

Marlene H. Dortch, Secretary+
Federal Communications Commission
445 12th Street, SW..
Washington, D.C. 20554

Janice M. Myles*
Wireline Competition Bureau
Competitive Policy Division
445 12th Street, SW, Suite 5-C327
Washington, D.C. 20554

Best Copy and Printing, Inc.*
Portals II, 445 12th Street, S.W.
Room CY-B402
Washington, D.C. 20554

Jeff Carlisle*
Chief, Wireline Competition Bureau
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Thomas Navin*
Acting Division Chief, Competitive Policy
Division, Wireline Competition Bureau
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Jeremy Miller*
Assistant Chief, Competitive Policy Division
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Michelle Carey*
Chief, Competitive Policy Division
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

John A. Rogovin*
General Counsel
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Christopher Libertelli*
Senior Legal Advisor to Chairman Powell
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554


Matthew Brill*
Sr. Legal Advisor to Commissioner Abernathy
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Jessica Rosenworcel*
Legal Advisor to Commissioner Copps
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Daniel Gonzalez*
Sr. Legal Advisor to Commissioner Martin
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Scott Bergmann*
Legal Advisor to Commissioner Adelstein
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Russell Hanser*
Competitive Policy Division
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554


Tara Keilberg

+ Via Electronic Comment Filing System
* Via Email